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SENATE STANDING COMMITTEE REPORT

March 30, 2007

Page 1 of 1

Mr. President:

We, your committee on **Business, Labor, and Economic Affairs** recommend that **House Bill 99** (third reading copy -- blue) be concurred in.

Signed: _____

Vicki Cocchiarella
Senator Vicki Cocchiarella, Chair

To be carried by Senator Don Ryan

- END -

Committee Vote:

Yes 11, No 0

Fiscal Note Required — *KA*

681237SC.spb



SENATE STANDING COMMITTEE REPORT

March 30, 2007

Page 1 of 1

Mr. President:

We, your committee on **Business, Labor, and Economic Affairs** recommend that **House Bill 348** (third reading copy -- blue) **be concurred in.**

Signed: _____

Vicki Cocchiarella
Senator Vicki Cocchiarella, Chair

To be carried by Senator John Esp

- END -

Committee Vote:

Yes 11, No 0

Fiscal Note Required _____

KA

681238SC.spb



SENATE STANDING COMMITTEE REPORT

March 30, 2007

Page 1 of 1

Mr. President:

We, your committee on **Business, Labor, and Economic Affairs** recommend that **House Bill 390** (third reading copy -- blue) be concurred in.

Signed: _____

Vicki Cocchiarella
Senator Vicki Cocchiarella, Chair

To be carried by Senator Joseph (Joe) Tropila

- END -

Committee Vote:

Yes 8, No 3

Fiscal Note Required _____

Kf

681239SC.spb



SENATE STANDING COMMITTEE REPORT

March 30, 2007

Page 1 of 1

Mr. President:

We, your committee on **Business, Labor, and Economic Affairs** recommend that **House Bill 537** (third reading copy -- blue) be concurred in as amended.

Signed: _____

Vicki Cocchiarella
Senator Vicki Cocchiarella, Chair

To be carried by Senator Don Ryan

And, that such amendments read:

1. Page 2, line 23.

Strike: "\$60"

Insert: "\$50"

2. Page 2, line 24.

Strike: "\$84"

Insert: "\$76"

3. Page 3, line 28 through line 30.

Strike: "for the amount" on line 28 through the first "payment" on line 30

4. Page 4, line 11 through line 12.

Following: "collected" on line 11

Strike: "from" on line 11 through "state" on line 12

5. Page 4, line 13 through line 14.

Strike: "on the books" on line 13 through "treasurer" on line 14

- END -

Committee Vote:

Yes 10, No 1

Fiscal Note Required — *KA*

681426SC.ssc



SENATE STANDING COMMITTEE REPORT

March 30, 2007

Page 1 of 5

Mr. President:

We, your committee on **Business, Labor, and Economic Affairs** recommend that **House Bill 755** (third reading copy -- blue) be concurred in as amended.

Signed:

Vicki Cocchiarella
Senator Vicki Cocchiarella, Chair

To be carried by Senator John Esp

And, that such amendments read:

1. Title, line 5.

Following: "TO"

Insert: "CERTAIN"

Following: "CERTIFICATES"

Insert: "; AMENDING SECTIONS 30-14-102, 70-9-802, AND 70-9-803, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE"

2. Page 1.

Following: line 8

Insert: "Section 1. Section 30-14-102, MCA, is amended to read:

"30-14-102. Definitions. As used in this part, the following definitions apply:

(1) "Consumer" means a person who purchases or leases goods, services, real property, or information primarily for personal, family, or household purposes.

(2) "Department" means the department of justice created in 2-15-2001.

(3) "Documentary material" means the original or a copy of any book, record, report, memorandum, paper, communication, tabulation, map, chart, photograph, mechanical transcription, or other tangible document or recording.

(4) "Examination" of documentary material includes the inspection, study, or copying of documentary material and the taking of testimony under oath or acknowledgment in respect to any documentary material or copy of documentary material.

Committee Vote:

Yes 11, No 0

Fiscal Note Required

Kf

681427SC.ssc

(5) (a) "Gift certificate" means a record, including a gift card or stored value card, that is provided for paid consideration and that indicates a promise by the issuer or seller of the record that goods or services will be provided to the possessor of the record for the value that is shown on the record or contained within the record by means of a microprocessor chip, magnetic stripe, bar code, or other electronic information storage device. The consideration provided for the gift certificate must be made in advance. The value of the gift certificate is reduced by the amount spent with each use. A gift certificate is considered trust property of the possessor if the issuer or seller of the gift certificate declares bankruptcy after issuing or selling the gift certificate. The value represented by the gift certificate belongs to the possessor, to the extent provided by law, and not to the issuer or seller.

(b) The term does not mean include:

(i) prepaid telecommunications and technology cards, including but not limited to prepaid telephone calling cards, prepaid technical support cards, and prepaid internet disks that have been distributed to or purchased by a consumer;

(ii) a coupon provided to a consumer pursuant to any award, loyalty, or promotion program without any money or consideration being given in exchange for the card; or

(iii) a gift certificate usable with multiple sellers of goods or services.

(6) "Person" means natural persons, corporations, trusts, partnerships, incorporated or unincorporated associations, and any other legal entity.

(7) "Possessor" means a natural person who has physical control over a gift certificate.

(8) "Trade" and "commerce" mean the advertising, offering for sale, sale, or distribution of any services, any property, tangible or intangible, real, personal, or mixed, or any other article, commodity, or thing of value, wherever located, and includes any trade or commerce directly or indirectly affecting the people of this state."

Insert: "Section 2. Section 70-9-802, MCA, is amended to read:

"70-9-802. Definitions. In this part, unless the context requires otherwise, the following definitions apply:

(1) "Administrator" means the department of revenue provided for in 2-15-1301.

(2) "Apparent owner" means a person whose name appears on the records of a holder as the person entitled to property held, issued, or owing by the holder.

(3) "Business association" means a corporation, joint-stock company, investment company, partnership, unincorporated association, joint venture, limited liability company, business trust, trust company, land bank, safe deposit company, financial organization, insurance company, mutual fund, utility, or other business entity consisting of one or more persons, whether or not

for profit.

(4) "Domicile" means the state of incorporation of a corporation and the state of the principal place of business of a holder other than a corporation.

(5) "Financial organization" means a savings and loan association, bank, banking organization, or credit union.

(6) "Gift certificate" has the meaning provided in 30-14-102.

~~(6)~~(7) "Holder" means a person obligated to hold for the account of, or deliver or pay to, the owner property that is subject to this part.

~~(7)~~(8) "Insurance company" means an association, corporation, or fraternal or mutual benefit organization, whether or not for profit, engaged in the business of providing life endowments, annuities, or insurance, including accident, burial, casualty, credit life, contract performance, dental, disability, fidelity, fire, health, hospitalization, illness, life, malpractice, marine, mortgage, surety, wage protection, and workers' compensation insurance.

~~(8)~~(9) "Mineral" means gas; oil; coal; other gaseous, liquid, and solid hydrocarbons; oil shale; cement material; sand and gravel; road material; building stone; chemical raw material; gemstone; fissionable and nonfissionable ores; colloidal and other clay; steam and other geothermal resource; or any other substance defined as a mineral by the law of this state.

~~(9)~~(10) "Mineral proceeds" means amounts payable for the extraction, production, or sale of minerals or, upon the abandonment of those payments, all payments that become payable after abandonment. The term includes amounts payable:

(a) for the acquisition and retention of a mineral lease, including bonuses, royalties, compensatory royalties, shut-in royalties, minimum royalties, and delay rentals;

(b) for the extraction, production, or sale of minerals, including net revenue interests, royalties, overriding royalties, extraction payments, and production payments; and

(c) under an agreement or option, including a joint operating agreement, unit agreement, pooling agreement, and farmout agreement.

~~(10)~~(11) (a) "Money order" includes an express money order and a personal money order, on which the remitter is the purchaser.

(b) The term does not include a bank money order or any other instrument sold by a financial organization if the seller has obtained the name and address of the payee.

~~(11)~~(12) "Owner" means a person who has a legal or equitable interest in property subject to this part or the person's legal representative. The term includes a depositor in the case of a deposit, a beneficiary in the case of a trust other than a deposit in trust, and a creditor, claimant, or payee in the case of other property.

~~(12)~~(13) "Person" means an individual, business association,

financial organization, estate, trust, government, governmental subdivision, agency, or instrumentality or any other legal or commercial entity.

~~(13)~~(14) (a) "Property" means tangible property described in 70-9-804 or a fixed and certain interest in intangible property that is held, issued, or owed in the course of a holder's business or, except as provided in subsection ~~(13)(b)~~ (14)(b), by a government, governmental subdivision, agency, or instrumentality and all income or increments from the property. The term includes property that is referred to as or evidenced by:

- (i) money, check, draft, deposit, interest, or dividend;
- (ii) credit balance, customer's overpayment, gift certificate, security deposit, refund, credit memorandum, unpaid wage, unused ticket, mineral proceeds, or unidentified remittance;
- (iii) stock or other evidence of ownership of an interest in a business association or financial organization;
- (iv) bond, debenture, note, or other evidence of indebtedness;
- (v) money deposited to redeem stocks, bonds, coupons, or other securities or to make distributions;
- (vi) an amount due and payable under the terms of an annuity or insurance policy, including policies providing life insurance, property and casualty insurance, workers' compensation insurance, or health and disability insurance; and
- (vii) an amount distributable from a trust or custodial fund that is established under a plan to provide health, welfare, pension, vacation, severance, retirement, death, stock purchase, profit sharing, employee savings, supplemental unemployment insurance, or similar benefits.

(b) The term does not include property that is held, issued, or owed by a local government entity, as defined in 2-7-501.

~~(14)~~(15) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and that is retrievable in perceivable form.

~~(15)~~(16) "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or insular possession that is subject to the jurisdiction of the United States.

~~(16)~~(17) "Utility" means a person who owns or operates for public use any plant, equipment, real property, franchise, or license for the transmission of communications or the production, storage, transmission, sale, delivery, or furnishing of electricity, water, steam, or gas."

Renumber: subsequent sections

3. Page 2.

Following: line 3

Insert: "(g) gift certificate, 3 years after December 31 of the year in which the certificate was sold, but if redeemable in merchandise only, the amount abandoned is considered to be 60% of the certificate's face value. A gift certificate is not presumed abandoned if the gift certificate was sold by a person who in the past fiscal year sold no more than \$200,000 in gift certificates, which amount must be adjusted by November of each year by the inflation factor defined in 15-30-101. The amount considered abandoned for a person who sells more than the amount that triggers presumption of abandonment is the value of gift certificates greater than that trigger."

Renumber: subsequent subsections

4. Page 3.

Following: line 28

Insert: "NEW SECTION. Section 4. Effective date -- retroactive applicability. [This act] is effective on passage and approval and applies retroactively, within the meaning of 1-2-109, to gift certificates issued or sold after September 30, 2005."

- END -



SENATE STANDING COMMITTEE REPORT

March 30, 2007

Page 1 of 1

Mr. President:

We, your committee on **Business, Labor, and Economic Affairs** recommend that **House Bill 668** (third reading copy -- blue) be concurred in as amended.

Signed: _____

Vicki Cocchiarella
Senator Vicki Cocchiarella, Chair

To be carried by Senator Vicki Cocchiarella

And, that such amendments read:

1. Title, line 6.

Strike: "THAT"

Insert: "AUTHORIZED TO"

2. Page 2.

Following: line 11

Insert: "(2) Each board is designated as a criminal justice agency within the meaning of 44-5-103 for the purpose of obtaining confidential criminal justice information regarding the board's licensees and license applicants and regarding possible unlicensed practice."

Renumber: subsequent subsections

3. Page 2, line 16.

Strike: "REQUIRES"

Insert: "is statutorily authorized to obtain"

- END -

Committee Vote:

Yes 8, No 3

Fiscal Note Required _____

KJ

681402SC.spb

MONTANA STATE SENATE
2007 LEGISLATURE

BUSINESS, LABOR AND ECONOMIC AFFAIRS

ROLL CALL VOTE

DATE 3-30-07 BILL NO. HB 390 NUMBER 8-3

MOTION: Be Concurred IN

PASSED

NAME	AYE	NO
SEN. JOE BALLYEAT (R)		✓
SEN. ROY BROWN (R)	✓	
SEN. JOHN ESP (R)		✓
SEN. VERDELL JACKSON (R)		✓
SEN. LANE LARSON (D)	✓	
SEN. DON RYAN (D)	✓	
SEN. FRANK SMITH (D)	✓	
SEN. CAROLYN SQUIRES (D)	✓	
SEN. DONALD STEINBEISSER (R)	✓	
SEN. JOE TROPILA (D)	✓	
SEN. VICKI COCCHIARELLA (D) - CHAIRWOMAN	✓	

SENATE PROXY FORM

According to Senate Rule 30-70 (13) (f), a committee member may vote by proxy using a standard form.

PROXY VOTE

I, the undersigned, hereby authorize Senator JOE TROPILA

to vote my proxy on any issue before the Senate _____

BUSINESS LABOR & ECON AFFAIRS Committee

held on 3/30, 2007.

HB 537 - Ryan Amend - aye
" Steinbeisser Amend - aye

HB 537 as amended - aye

HB 755 Esp Amend - aye
HB 755 as amended - aye
Frank [signature]

SENATOR
STATE OF MONTANA

SENATE PROXY FORM

According to Senate Rule 30-70 (13) (f) , a committee member may vote by proxy using a standard form.

PROXY VOTE

I, the undersigned, hereby authorize Senator Joe Tropila

to vote my proxy on any issue before the Senate _____

BUSINESS LABOR & ECON AFFAIRS Committee

held on 3/30 , 2007.

SB 99 - aye

HB 348 - aye

HB 390 - aye

HB 668 - amend - aye HB 668 as amended - aye

Frank Bond
SENATOR
STATE OF MONTANA

SENATE PROXY FORM

According to Senate Rule 30-70 (13) (f) , a committee member may vote by proxy using a standard form.

PROXY VOTE

I, the undersigned, hereby authorize Senator Cocchiarella

to vote my proxy on any issue before the Senate _____

_____ Committee

held on 3/30/07, 2007.

HB 390 do concur yes
HB 537 do concur yes
HB 755 do concur yes
HB 668 as amend no

James R. Johnson
SENATOR
STATE OF MONTANA

SENATE PROXY FORM

According to Senate Rule 30-70 (13) (f) , a committee member may vote by proxy using a standard form.

PROXY VOTE

I, the undersigned, hereby authorize Senator

Castanella

to vote my proxy on any issue before the Senate

Business & Labor

Committee

held on

3/30/07

, 2007.

HB 390 do concur yes
HB 537 do concur yes
HB 755 do concur yes
HB 668 " " no

Carolyn Squires
SENATOR
STATE OF MONTANA

**MONTANA STATE SENATE
2007 LEGISLATURE**

VISITOR REGISTER

BUSINESS, LABOR AND ECONOMIC AFFAIRS

DATE 3-30-07 HB HB HB
BILLS BEING HEARD TODAY HB 99, 348, 390, 766

PLEASE PRINT

NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE
Jack Kane	841-2243	Labor + Ind.	HB 99	X	
Jim Kropp	444-5657	FWP	HB 348	✓	
MABLUM	549-3115	SELF	HB 390	X	
BEN CARLSON	698-8238	Horse Racing	HB 390	✓	
Margaret Morgan	431-9836	Horse Racing Task Force	HB 390	X	
John Allen	443-5541	WETA	HB 348	X	
Lynda Wiggers	899-5659	MT Smartphone Assoc	HB 348	X	
Laura Bick	444-8297	BLISSMT	HB 766	X	
Jon Bennison	697-0568	MT Chamber	HB 766	X	
Riley Johnson	443-7797	NETB	HB 766	X	
John Barrows	443-2850	MT Newspaper Assn.	HB 766	X	
Frank Carter	3900	AHIP	HB 766	X	
Don Ober	443-7531	NAIFA - MT	HB 766	X	
ELSONC. WITTE	431-1545	Allegiance	HB 766		X W A MC
Emily Lipp Sivata	444-1355	GOV	HB 766		X
Gerdy Higgins	444-2040	SAC	HB 766		X
Lisa Crowley	444-2400	SAO-Insure MT	HB 766		X

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY